

ORDINANCE NO. 2022-1009

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, ADOPTING AMENDMENTS TO TITLE 18 OF THE DEER PARK MUNICIPAL CODE, THE CITY ZONING CODE; CONTAINING A SEVERABILITY PROVISION; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Deer Park Planning Commission has spent multiple meetings in 2021 and 2022 considering amendments to the zoning code of the City of Deer Park (the "City") as set forth in this Ordinance; and

WHEREAS, the amendments to the City zoning code and official zoning map as set forth in this Ordinance were provided to the state of Washington Department of Commerce in July 2022 and no comments were received from the Department of Commerce; and

WHEREAS, the amendments to the zoning code of the City as set forth in this Ordinance are consistent with and implement provisions of the City's current comprehensive plan; and

WHEREAS, the State Environmental Policy Act ("SEPA") checklist and final Determination of Non-significant ("DNS") were circulated and published for comment in June 2022 and no comments have been received in response to the SEPA documentation; and

WHEREAS, following a public hearing before the Planning Commission on July 25, 2022, the Planning Commission of the City by unanimous vote adopting Findings of Fact, Conclusions, and a Recommendation as follows:

The proposed regulatory amendments represent appropriate means of regulating land use and permitted uses, etc., for areas zoned within the City. Therefore, the Planning Commission of the City of Deer Park hereby recommends to the City Council that the proposed amendments to the Deer Park Municipal Code pertaining to multiple Title 18 zoning provisions and the companion SEPA documentation, BE ADOPTED by the City Council;

and

WHEREAS, the City Council has reviewed the Findings of Fact, Conclusions, and Recommendation of the Planning Commission and agrees with the recommendation of the Planning Commission that adoption of this Ordinance is in the best interest of the public health, safety, and welfare of the citizens of the City; and

WHEREAS, the City Council adopts the Findings of Fact, Conclusions, and Recommendation of the Planning Commission dated July 25, 2022 as the Findings, Conclusions and Recommendation of the City Council; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. The provisions of Title 18 of the Deer Park Municipal Code, the City zoning code, are amended as set forth in this Section of this Ordinance. The amendments to Title 18 are shown as “~~strikethrough~~” with respect to provisions that will be deleted and as colored, highlighted, underlined and/or in plain text with respect to new provisions that are added to Title 18. To the extent of any inconsistency between the provisions in Section 1 of this Ordinance and existing provisions in Title 18, the provisions of Section 1 of this Ordinance shall prevail and shall hereafter be the new provisions in Title 18 of the Deer Park Municipal Code. To the extent that any provision in Title 18 of the Deer Park Municipal Code does not appear in this Ordinance as revised, those provisions shall remain unchanged. In accordance with the foregoing, multiple provisions in Title 18 of the Deer Park Municipal Code are hereby amended to read as follows:

**Chapter 18.40
DIVERSIFIED COMMERCIAL ZONE**

Sections:

- 18.40.010 Intent.
- 18.40.020 Permitted uses.

18.40.010 Intent.

The C-D zone is intended to accommodate diversified commercial establishments having little interdependence and requiring maximum exposure to passing traffic characteristics which are generally incompatible with the intended character of neighborhood, regional and core area commercial districts.

18.40.020 Permitted uses.

The following uses shall be permitted in the C-D zone:

- A. Sales of new and used autos, trucks, boats, mobile homes, construction equipment, trailers, agricultural implements, lawn furniture, nursery stock and home gardening supplies and equipment;
- B. Mortuaries or other funeral establishments;

C. Drive-in establishments such as banks, car washes, cleaners and laundries, food and drink places;

D. Repair and construction service establishments having enclosed workshops combined with retail outlet, showrooms and offices, such as heating and plumbing equipment, electrical fixtures, air conditioning, custom awning fabrication, auto, truck, boat, motorcycles and bicycles, farm equipment, auto body repair and painting, tire re-treading, welding and similar activities not more objectionable in character;

E. Sale of secondhand merchandise and used auto parts, rental of tools, equipment and machinery;

F. Commercial recreation establishments;

G. Governmental services, public utility offices and exchanges;

H. Hay and grain sales, but not including milling;

I. Gas service stations;

J. Hotels, motels, and bed and breakfast inns;

K. Lumber sales;

L. Fruit and produce stands (including wholesale fruit and produce operations within an enclosed structure not exceeding 1,600 square feet in size);

M. Supermarkets;

N. Restaurants;

O. Souvenir and gift shops;

P. Recreational Vehicle park providing development and layout is in accord with Chapter 18.58 Recreational Vehicle Park Requirements.

Q. Cocktail lounges;

R. Taverns;

S. Residential uses allowed in the R-3A and M-F zones as permitted and conditional uses, excluding group homes;

T. Houses of religious worship including, but not limited to, churches, mosques, synagogues, temples, convents, and related uses;

U. Storage facilities, indoor, coupled with exterior storage of recreational vehicles; and

V. Schools of either a public or private nature.

Chapter 18.52
MOBILE HOME PARK ZONE

Sections:

18.52.010 Intent.

18.52.020 Permitted uses.

18.52.040 Property development standards.

18.52.010 Intent.

The MHP zone comprises areas developed or suitable for development for placement and occupancy of mobile homes, manufactured homes, designated manufactured homes, or modular homes for residential purposes or rented or leased sites in mobile home parks. Regulations are designed to establish, stabilize and protect the residential character of the zone and to prohibit all incompatible activities. Regulations are intended to encourage multifamily density residential areas. Certain essential and complementary uses are also permitted under conditions and standards which assure protection of the character of the zone.

18.52.020 Permitted uses.

The following uses shall be permitted in the MHP zone:

A. One independent trailer, mobile home, manufactured home, designated manufactured home, or modular home per lot space;

B. Dependent trailers, travel trailers, recreational vehicles, camping trailers, if to be sited in a mobile home park, shall be in a separate section from independent trailers and comply with provisions of Chapter 18.58.

18.52.040 Property development standards.

Property development standards for mobile home parks shall be as follows:

A. Minimum area shall be five acres;

B. Maximum building height shall be two stories or 25 feet, whichever is greater;

C. Minimum net site area shall be:

1. Per mobile home, manufactured home, designated manufactured home, or modular home: 3,000 square feet,
2. Per camping vehicle: 2,000 square feet;

D. Minimum setback of any building or mobile home, manufactured home, designated manufactured home, or modular home from any public street line shall be 25 feet;

E. Minimum setback of any building or mobile home, manufactured home, designated manufactured home, or modular home from the property line shall be 25 feet;

F. A 25-foot buffer zone, not to be used as required yard space for a mobile home, manufactured home, designated manufactured home, or modular home with sight-obscuring fence or landscaping six feet in height around the entire perimeter of the park shall be provided.

Chapter 18.58 RECREATIONAL VEHICLE PARK REQUIREMENTS

Sections:

- 18.58.010 Purpose..
- 18.58.020 General Requirements.
- 18.58.030 Criteria for locating a Recreational Vehicle Park.
- 18.58.040 Health District approval.
- 18.58.050 Completion prior to Occupancy – Phasing..
- 18.58.060 Design Standards.
- 18.58.070 Accessory Uses.
- 18.58.080 Recreational Vehicle Park Administration.

18.58.010 Purpose.

The purpose of this chapter shall be to provide land having its principal use the rental of space for temporary short-term and transient occupancy and to ensure that recreational vehicle parks are located, developed and occupied in accordance with standards and regulations which will protect the health, safety, general welfare, and convenience of the occupants of such parks and the citizens of the City.

18.58.020 General Requirements.

A. No recreational vehicle (RV) shall be used as a permanent place of abode, or dwelling, for indefinite periods of time. Occupancy of a unit in a recreational vehicle park shall be limited to 210 days for each 240 calendar days per year.

B. For purposes of this chapter, the term "Recreational Vehicle" shall include: Dependent or Independent Travel trailer, Fifth Wheel trailer, Pickup Camper, Motor Home of any size licensed by State Agencies for travel on the roadways. Recreational Vehicle's shall not include facilities defined as Park Model or Tiny Homes customarily affixed on permanent foundation systems with transport facilities removed.

C. One recreational vehicle shall be allowed per lot space.

D. No individual lot sales of spaces within the park or further subdivision of lands thereof that make of the park shall be sold to individuals through subdivision or condominium provisions of the City or State or Washington.

E. Any action toward removal of wheels of an RV, except for temporary purposes of repair, or placements of the unit on a foundation, is prohibited.

F. RV Parks shall be maintained in a tidy manner. The accumulation of debris, outdoor storage of equipment not directly related to recreational use, or derelict vehicles shall not be permitted.

G. No space within an RV Park shall be rented for any purpose other than those expressly allowed by the chapter. Recreational vehicles shall only be located in appropriate areas within designated recreational vehicle sites, and not in buffer or open space areas.

H. No person, company, or corporation shall establish or modify a recreational vehicle park without first complying with the provisions of this chapter and paying all applicable fees as set by City Council Resolution.

18.58.030 Criteria for locating a Recreational Vehicle Park.

Privately owned RV Parks may only be established on property within the City which meets the following criteria:

A. Recreational vehicle parks shall be permitted only by planned development in the Diversified Commercial Zone, or as a component of a Mobile Home Park Zoned area.

B. The minimum lot site area of an RV Park shall be two acres, which size requirement may be waived in a mixed-use Planned Unit Development (PUD) within a Diversified Commercial zoned area.

C. Minimum lot frontage width of 50 feet on a City street shall be provided to permit appropriate design of entrances and exits. No entrance or exit from a RV Park shall be permitted through a residential district nor require movement of traffic from the RV Park through a residential zone district unless designed as a park of a mixed-use planned development where the residential district is a component of the planned development.

18.58.040 Health District approval.

Prior to occupancy of an RV Park, the owner shall obtain any permits that may be required from the Spokane County Health District and shall comply with all rules, regulations and requirements of said district. Any required permits must be kept current at all times, or the park will be closed. The rules, regulations and requirements of the Health District shall be construed as being in addition to the provisions of this Chapter.

18.58.050 Completion prior to Occupancy - Phasing.

All required site improvements and other conditions of a planned development shall be met prior to occupancy of any site by an RV; provided that completion may be accomplished by phases if such phases are identified by the applicant in addition to compliance with all other provisions of this chapter.

18.58.060 Design Standards.

The purpose of this section is to establish minimum design standards for recreational vehicle parks.

A. Density. The number of RVs permitted in an RV Park shall not exceed a density of twelve units per gross acre.

B. RV Site Size. Each individual RV site shall be a minimum of two thousand square feet in size. Open space and buffer areas shall not be included in calculating allowed RV site size.

C. Access Points. Entrances and exits to the RV Park shall be designed for safe and convenient movement of traffic into and out of the RV Park and to minimize friction with free movement of traffic on adjacent streets. All traffic into and out of the RV Park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which obscures the view of approaching drivers in the right lane of any street within one hundred feet of the intersection with the RV Park entrance.

D. Parking. At least one off-street parking space shall be provided on each RV site, with site lengths of adequate dimension to assure the driving lane is clear for all movement of vehicles. At least one off-street parking space for each fifteen sites shall be provided for visitor parking in the RV Park.

E. Internal Park Roads. All internal RV Park roads shall be privately owned and maintained. Paved roadways shall be engineered to design values of the largest recreational vehicles anticipated for the facility and shall have the minimum finished surface widths as follows, and meet requirements of the Fire Marshall for Fire District #4 for emergency vehicle access, and be provided with signage restricting parking on the roadways:

1. One-way road, no parking – sixteen feet.
2. One-way road, parking on one side – twenty two feet.
3. Two-way road, no parking – twenty five feet.
4. Two-way road, parking on one side – thirty two feet.
5. Two-way road, parking on both sides – thirty six feet.

F. Open Space / Recreational Facilities. A minimum of ten percent of the RV Park shall be set aside and maintained as open space for the recreational use of RV Park occupants. Such spaces and location shall be accessible and usable by all residents of the RV Park for passive or active recreation. Facilities designated as pet exercise areas can be counted as part of the set aside area for open space. Parking spaces, driveways, access streets, storage and setback spaces required for individual RV spaces are not considered to be usable open space.

G. Setbacks. No recreational vehicle site shall be closer than twenty five feet from any exterior RV Park property line abutting upon a City street right of way, or residentially zoned area, or fifteen feet from any other exterior park property line. Designated RV spaces shall have a minimum width of 20 feet of frontage on the internal RV Park roadways and shall be arranged in such manner that there shall be a minimum of 10 feet between RV vehicles when positioned with slides open on the individual sites within the RV Park. External appurtenances, such as carport, cabanas or patios or storage sheds in excess of 200 square feet (excluding retractable awnings and table tarps) placed on individual sites within an RV Park shall have minimum front and rear yard space setbacks of twenty feet each, and minimum side yard space setbacks of ten feet each to the individual space lines or internal access roadways.

H. Landscaping / Screening. The RV Park shall provide visual screening and landscaping as required in perimeter setback areas to property line and open space. Landscaping may consist of suitable groundcover, shrubs and trees, provided that they are installed prior to the first occupancy of the park and are of such species and size as would normally fulfill a screening function within five years of being planted. Site development shall be sensitive to the preservation of existing vegetation. All trees, flowers, lawns and other landscaping features shall be provided with permanent irrigation system and shall be maintained by the RV Park management in a healthy growing condition at all times. The landscaped area shall include the designated pet exercise area. Screening to the exterior property line in lieu of natural

vegetation shall be provided by sight obscuring fence to a maximum height of 72 inches, which fencing may include wood, vinyl, block or chain link with obscuring slats.

I. Signs. RV Parks shall be limited to one park entrance sign and such interior directional or informative signs as may be needed for the convenience of guests. All signs are subject to provision of Chapter 18.78 of the zoning code. All RV sites shall be well marked and numbered with space identification markings, easily read at all hours of the day and night and approved by the Fire Marshall of Fire District #4.

J. Utilities. Water, wastewater and electricity (30 amp minimum) shall be provided to each RV site. All utility lines shall be underground and shall be provided with approved sanitary connections to wastewater and water facilities and located per recognized standards within the Uniform Plumbing Code, or National Standard, and shall be approved by the agency responsible for inspection.

K. Storm Drainage. Storm drainage control facilities shall be installed in accordance with the Eastern Region Storm Water Manual, City standards, and State Law.

L. Public Facilities. RV Parks shall provide the following facilities in such quantity, size and location as approved by the City:

1. A water distribution system connected to the City's water utility and protected with back flow protection as required. In addition a private distribution system shall provide water service to each space within the park and protected against back flow at the connection for each RV. Fire Hydrants, in the number and location, shall be provided as required by the Fire Marshall and utility requirements of the City. The Fire System water main shall be located in a permanent easement dedicated to the City for permanent maintenance and operation of the system.
2. A water station, equipped with backflow protection to Uniform Plumbing Code Standards for filling recreational vehicle water storage tanks.
3. A sanitary waste station shall be provided per regulations of the Uniform Plumbing Code with wash out capability equipped with back flow protection for emptying sewage holding tanks of RV's at a ratio of one station for every 50 recreational vehicle sites. The sanitary waste site shall be screened from other activities by a visual barrier such as fences, walls or natural vegetation growth and shall be separated from any RV space by a distance of not less than 50 feet. The requirement for waste station may be waived when the park is provided individual connections to each site per Section 18.58.060 (J).
4. Unisex Restroom facilities containing a shower, sink and toilet connected to the City's wastewater utility, and park water distribution system shall be a provided at a ratio of one unisex complete facility for each twenty RV sites.
5. All refuse shall be stored in watertight, insect-proof, rodent-proof containers. When central refuse pickup points are used, screening shall be provided as detailed herein, and no RV lot or space shall be more than 500 feet from a central refuse pickup point. All outdoor refuse storage areas shall be screened on all sides from public view and, at a

minimum, shall be enclosed on three sides with a six-foot-high concrete block or masonry wall, or a solid fence, with a solid gate for access installed on the fourth side. The location to central waste receptable containers may be increased when garbage collection services are provided and part of the management plans of the park.

M. Walkways. Walkways to and from all offices, restroom facilities and recreational facilities shall be provided. Such walkways shall be adequately hard-surfaced, lighted, and shall be at least five feet in width, except that sidewalk width may be reduced to three feet where five-foot by five-foot clear passing spaces exist at a minimum interval of 200 feet. Walkways when provided which are part of the paved internal roadway system shall be a minimum of 3 feet in width and marked along the route with markings on the asphalt surface.

N. American Disabilities Act. RV Park shall be designed to comply with provisions of the American with Disabilities Act providing a minimum number of level of spaces, parking and access to all uses within the park as required.

18.58.070 Accessory Uses.

Management headquarters, recreational facilities, restrooms, dumping stations, showers, coin operated laundry facilities, and other uses and structures customarily incidental to operation of a RV Park are permitted as accessory uses to the RV Park subject to provisions of the International Building Codes. In addition, food and beverage retail areas and convenience shops shall be permitted as accessory uses subject to the following restrictions:

A. Such facilities, operations and parking facilities primarily related to their operations shall not occupy more than fifteen percent of the gross area of the RV Park.

B. Such facilities shall present no visible evidence from any street outside the RV Park of their commercial character which would attract customers other than occupants of the RV Park.

C. The structures housing such facilities shall not be located closer than fifty feet to any public street and shall not be directly accessible from any public street, and shall only be accessible from a street within the RV Park.

18.58.080 Recreational Vehicle Park Administration.

A. The person who operates a RV Park shall operate in compliance with the rules and regulations issued hereunder and International Building Codes, and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

B. A written management plan shall be submitted for approval as part of the development application process. The plan at minimum shall include the proposed management structure,

proposed RV Park rules and regulations, including quiet hours, and proposed methods to enforce occupancy limitations and other requirements of this chapter. Quiet hours shall, at a minimum, be from 10:00 P.M. to 7:00 A.M., or as otherwise provided by state regulations, whichever is more restrictive.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or the constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Effective Date. This Ordinance shall take effect and be in full force five (5) days after this Ordinance or summary thereof consisting of the title is published.

APPROVED BY the City Council of the City of Deer Park, Washington at an Open Public Meeting the 16th day of Nov., 2022:


MAYOR TIMOTHY VERZAL

ATTEST/AUTHENTICATED:


DEBY CRAGUN, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

BY: 
CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK	:	<u>07-26-2022</u>
PASSED BY THE CITY COUNCIL	:	<u>11-16-2022</u>
PUBLISHED	:	<u>11-18-2022</u>
EFFECTIVE DATE	:	<u>11-23-2022</u>
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